S.B. Civil Writ Petition NO.2672/2005

Madan Singh

vs

RFC & Ors.

DATE OF ORDER : - 13.5.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.Rakesh Arora, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner's application for seeking opinion of the expert for the guarantee deed was refused by the trial court in a proceeding, which was initiated under Section 31 of the Rajasthan State Financial Corporation Act. The petitioner is aggrieved against the above order of the trial court dated 10th March, 2005.

It appears from the facts mentioned in the order itself that the objections for sale of the mortgaged property were initiated by the Rajasthan State Financial Corporation by submitting application dated 11th Sept., 2000. The issues were framed on 3.2.2004. Even the evidence of the petitioner was recorded on 13.8.2004 and,

thereafter,the evidence of the petitioner-non-applicant was closed. The case was fixed for final arguments and at that stage, the petitioner submitted application for obtaining the expert's opinion for his signatures. The petitioner took plea of his forged signatures on the relevant documents in his written statement in the year 2003 itself. He produced his all witnesses whatever he wanted to prove that fact and, thereafter, the evidence of the petitioner was closed. After closure of the petitioner's evidence, the petitioner wants to have more opportunity to produce the evidence in the forum of expert opinion and that expert opinion is also not in existence till now. There is no reason for allowing the petitioner's further evidence when his evidence has already been closed after full opportunity to him.

In view of the above, I do not find any illegality in the order passed by the trial court rejecting the petitioner's prayer. Hence, there is no merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-